

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JEFFREY P. WEINER SUPPLEMENTAL	)	No. 1:16-cv-09572-ALC
TRUST, Individually and on Behalf of All	)	
Others Similarly Situated,	)	
	)	
Plaintiffs,	)	<b>STIPULATION AND <del>ORDER</del></b>
	)	<b>SCHEDULING ORDER</b>
v.	)	
	)	
RIO TINTO PLC, et al,	)	
	)	
Defendants.	)	
	)	
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Lead Plaintiff Puranjay Das ("Plaintiff") and Defendant Tom Albanese ("Albanese"), by and through their undersigned counsel, hereby stipulate as follows:

WHEREAS, on December 12, 2016, Jeffrey P. Weiner Supplemental Trust filed the Complaint (ECF No. 1) naming Rio Tinto plc ("Rio Tinto") and Christopher Lynch ("Lynch") and Albanese ("Albanese"), Guy Elliott ("Elliott"), and Sam Walsh ("Walsh") as defendants in the above-captioned matter.

WHEREAS, on March 16, 2017, the Court issued the Joint Status Report and Scheduling Order ("Scheduling Order") (ECF No. 25), pursuant to which Plaintiff and Rio Tinto and Defendant Lynch stipulated and agreed to a schedule for the filing of an amended complaint and for Rio Tinto and Defendant Lynch's answers or responses to the amended complaint.

WHEREAS, on May 15, 2017, the Court entered the Stipulation and Scheduling Order (ECF No. 34), pursuant to which Defendants Elliott and Walsh agreed, through counsel, to waive service of process in the above-captioned action and agreed to a schedule for the filing of an

amended complaint and for Defendants Elliott and Walsh's answers or responses to the amended complaint;

WHEREAS, Defendant Albanese agreed, through his undersigned counsel, to waive service of process in the above-captioned action;

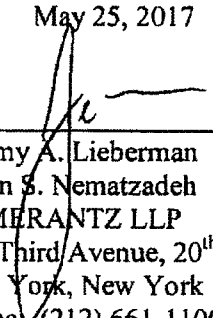
WHEREAS, Plaintiff and Defendant Albanese met and conferred and agree that Defendant Albanese should adhere to the same briefing schedule as the Rio Tinto defendants and Defendants Elliott and Walsh;

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned counsel of record for the parties indicated below, the following:

1. Defendant Albanese, through his undersigned counsel, will waive service of the Complaint in the above-captioned action.
2. As Plaintiff intends to file an amended complaint, Defendant Albanese need not answer or otherwise respond to the December 12, 2016 Complaint.
3. Plaintiffs will file the amended complaint on or before May 30, 2017.
4. Defendant Albanese will answer or move to dismiss on or before July 31, 2017.
5. If Defendant Albanese moves to dismiss, Plaintiff will file opposition papers on or before October 1, 2017.
6. If Plaintiff files opposition papers, Defendant Albanese will file reply papers on or before November 1, 2017.
7. Nothing in this stipulation and proposed schedule waives or otherwise limits Defendant Albanese's rights, defenses, or objections including, without limitation, jurisdictional objections or defenses and those defenses available under Federal Rules of Civil Procedure Rule

12(b), except that Defendant Albanese waives any rights, defenses, and objections to service of process in the above-captioned action.


Dated: New York, New York  
May 25, 2017



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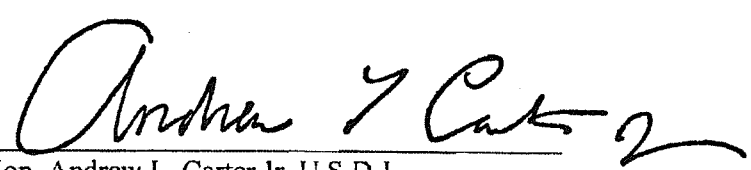
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*Counsel for Defendant Tom Albanese*

Dated: New York, New York  
May 26, 2017

SO ORDERED:



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Hon. Andrew L. Carter Jr. U.S.D.J.

*enc*